

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JEROME HASSAN MACKEY,

Petitioner/Defendant,

vs.

UNITED STATES OF AMERICA,

Respondent/Plaintiff. :

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:

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Case No. 3:08cv261
3:04cr96

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #80) IN THEIR
ENTIRETY; PETITIONER/DEFENDANT'S OBJECTIONS TO SAID JUDICIAL
FILING (DOC. #81) OVERRULED; JUDGMENT TO BE ENTERED IN FAVOR
OF RESPONDENT/PLAINTIFF AND AGAINST PETITIONER/DEFENDANT,
DENYING AND DISMISSING PETITIONER/DEFENDANT'S PETITION TO
VACATE SENTENCE, PURSUANT TO 28 U.S.C. SECTION 2255 (DOC.
#74), WITH PREJUDICE; CERTIFICATE OF APPEALABILITY NOT ISSUED;
ANTICIPATED MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*
DENIED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendations filed September 16, 2009 (Doc. #80), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Objections of the Petitioner-Defendant (Doc. #81) are overruled.

Judgment will be ordered entered in favor of the Respondent-Plaintiff and against the Petitioner-Defendant, denying and dismissing his Motion to Vacate Sentence (Doc. #74), with prejudice.

Given that reasonable jurists would not disagree with this Court's decision herein and, further, that any appeal from this decision would be objectively frivolous, this Court denies both a Certificate of Appealability and an anticipated motion for leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

March 5, 2010

/s/ Walter Herbert Rice

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

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